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ABSTRACT

Advice is provided to teachers and scholars entering the academic profession at a college or university. The report reviews the usual standards and practices governing faculty employment in higher education and offers candid suggestions about how untenured faculty members might protect their rights. This information is designed to inform the reader of all rights, offer some advice, and encourage institutions to develop faculty status procedures that promote fairness and equity, thereby contributing to higher morale and quality of life on campus for faculty, administrators, and students. Four sections deal with the following topics: (1) tenure (background and status); (2) the perils of probationary status (prior to appointment, arriving at the new institution, the first year, criteria and procedures for reappointment, notice of non-reappointment (timing, reasons, and appeals), contending with non-reappointment, alleged violations of academic freedom and discrimination, and suspension and termination during dismissal or appeal procedures); (3) part-time, temporary, research, and other types of faculty; and (4) collective bargaining and the untenured. (SM)

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Entering the Profession:

Advice for the Untenured

HE 022 768

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Preface

This booklet offers advice to teacher/scholars entering the academic profession at a college or university. Experience indicates that newer members of our profession, in particular, tend to concentrate their efforts on their classes, research, and writing while ignoring their "employment relationship" with the institution until a problem occurs. This booklet reviews the usual standards and practices governing faculty employment in higher education, and offers suggestions, rather candid at times, about how untenured faculty members might protect their rights.

Some may find this advice to be either demeaning or obvious. Others may conclude that it's too cynical and self-serving. Regardless, we believe that all will find parts of it useful, either now or in the future.

Users of this booklet should remember four points:

- many sentences herein contain the terms "should" or "may" because many standards and procedures are not legally binding on faculty or administrators;
- these standards and procedures never supersede the express provisions of an employment contract, collective bargaining agreement, state statute, or federal law;
- what follows may sound legalistic, but this booklet does not offer legal advice;
- this does not necessarily reflect NEA policy.

If untenured faculty have serious problems, they may be initially better served by the advice of friends and colleagues, but there may be occasions when they should seek the advice of competent legal counsel.

The NEA Office of Higher Education wishes you great success in your academic career and invites your comments about this publication.

Gerie B. Bledsoe
Coordinator, Higher Education

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Introduction

Since 1971, the number of full-time faculty in higher education has remained about the same. In research institutions the number of *tenure-track* positions has actually declined. Even prestigious universities have used unreasonable criteria for earning tenure, temporary appointments, and part-time faculty to avoid "tenured-in-departments."

Such practices created a generation of "gypsy" scholars—who moved about seeking a tenurable position or set of circumstances leading to a tenure-track appointment. In effect, the depression in higher education over the past decade deprived this nation of a generation of scholars. Many were unable to find long-term appointments. Others rejected this nomadic existence, its marginal compensation, and lack of advancement, and chose other professions.[1]

Surprisingly, this situation may be improving. Normal and early retirement programs are opening new positions for new and younger faculty. Low enrollments in graduate schools may portend a shortage of new Ph.D's. To be sure, the Halcyon days of the 1960s, when 20,000 faculty jobs were being filled each year, will probably never be repeated, but for some younger scholars there may be more opportunities to earn permanent faculty status during the next few years than during the '70s.

Although all colleges and universities have different personnel regulations, the great majority offer faculty members some form of job protection, usually tenure. The award of tenure may be largely automatic or informal at some institutions but exceedingly formal and complex at others. Therefore, what follows below must be general and will never apply completely to any single institution. *Make sure that you know your institution's faculty status procedures and how they compare to the "norms" outlined below.*

Tenure: Background and Status

Prior to World War I, few colleges and universities had formal tenure systems. Although senior faculty members after ten years of service could normally expect to stay on as faculty until retirement, it was not uncommon for outspoken professors, especially those critical of the administration or Board of Trustees, to be dismissed summarily. The establishment of the American Association of University Professors in 1915 led to linkage of academic freedom to tenure. These concepts were restated in the 1940 "Statement on Principles of Academic Freedom and Tenure," developed by the AAUP and Association of American Colleges. Within a few years many other organizations joined as endorsers, including the American Association for Higher Education in 1950, an affiliate of the National Education Association.[2]

The "1940 Statement" asserts that academic freedom is best protected by academic due process and tenure, i.e., a continuing or permanent appointment. Accordingly, a tenured faculty member is dismissed only for adequate cause and only after a hearing before peers. Eventually, NEA, AAUP, and other organizations convinced the courts that tenure is a property right protected by the Constitution. To dismiss a tenured professor, a college or university must follow an appropriate system of due process that protects the individual's rights.[3]

During the 1960s, when higher education was expanding rapidly, tenure was formalized at most institutions and incorporated into faculty handbooks. Tenure was awarded almost instantly at many institutions in order to attract new or established Ph.D.'s.

The growth of academic due process and tenure systems continued at a somewhat slower pace in the 1970s until about 90% of institutions reported to the American Council on Education that they offered some form of tenure to faculty. Tenure and academic freedom have the greater protection of a binding contract at institutions where faculty bargain collectively. Experience in community colleges has been somewhat different, since tenure there sometimes came as the result of state statutes and regulations governing public school teachers.

Tenure has its detractors. Some new faculty assume that tenure protects too many older, perhaps "less productive"

colleagues. For many administrators a high percentage of tenured faculty in a department or college seems to mean staffing "inflexibility," the inability to adjust quickly to enrollment trends. As a consequence, many institutions raised tenure standards to almost impossible levels or hired only temporary or part-time faculty. In some liberal arts departments in four-year institutions, tenure-track appointments have not been made for a decade or longer.

The National Education Association continues to endorse the "1940 Statement", while pledging to make the tenure system more equitable.[4] To paraphrase Winston Churchill's comment about democracy, tenure is an imperfect system, but it's better than any alternative yet proposed. NEA and its affiliates seek to improve it for the 1990s and beyond. Instead of talking about alternatives, such as "term" or "rolling" contracts (so everyone can be "temporary"), we need to:

- understand how to use academic due process to protect the rights of all faculty and to maximize fair and equitable treatment, especially with respect to reappointment and the award of tenure; and
- make campus procedures conform more closely to recommended national standards and practices.

Due process and tenure protect academic freedom: the right of faculty members to teach their classes, do their research, publish their findings, and participate freely in academic governance. Academic freedom also means that faculty should be free of invidious forms of discrimination, reprisal, or recrimination for criticizing the administration, governing board, or public officials. Faculty members should also be free to participate in extramural politics, exercising their rights as citizens. Academic freedom is also accompanied by certain ethical responsibilities—as defined by the profession, locally and nationally.

Complex, and perhaps more controversial, is the application of academic freedom to intradisciplinary scholarly activities and, in certain respects, pedagogy. Disciplinary associations usually develop and maintain the guidelines and standards that exist in this area. New members of the profession should review what exists in their discipline. Generally, a department or college faculty decides when a faculty member's academic freedom has been violated. However, it is sometimes necessary to move such cases to a different venue to guarantee fair consideration according to profession-wide norms.

The Perils of Probationary Status

1. *Prior to Appointment*—Even before you are offered a position or appointed to a position, there are things that you should do.

Do not rush into an unknown situation. Check out the institution, its administrators, and the department chairperson. What are their collective and individual reputations? Call or write anyone who might give you some useful insight or knowledge about the institution and department. Check the academic journals to see if the institution has been placed on any censure list for violating faculty rights.[4] Save a copy of the advertisement for the position and all letters about the job. Keep careful notes about your telephone discussion or personal meetings with members of the department. It is imperative that you begin to maintain a good documentary record of your entire relationship with the institution even before an offer is made.

Offers for employment should be made in writing and signed by a qualified representative of the institution. In large institutions it may be the department chairperson, the dean, or vice-president. In smaller colleges, the president often sends the formal letter. If the letter does not include important provisions mentioned verbally, call the department chairperson for clarification. Sometimes it may be unwise to press for a comprehensive written offer, but it is imperative that all basic understandings about your relationship to the institution, e.g. tenure-track or not, length of appointment, special terms, etc., be included in some form of written document.

Except for temporary appointments of one or two years, all full-time appointments should be either probationary or tenured. All probationary appointees should be considered for tenure within seven years.

Be polite but persistent in obtaining these written provisions—the sooner the better. Good, well-understood written agreements tend to reduce misunderstanding, conflict, and litigation in the future.

A word about salary: If there is no salary schedule that determines what you'll get, and if you honestly believe that the offered salary is less than you deserve, ask for more. Administrators normally have some leeway in this area.

Respond confidently if you are asked about your minimum salary requirements, but avoid the impression that yours is a rigid, non-negotiable position. If you probe carefully, the department chairperson will usually tell you, at least indirectly, if an increase in the salary offer is possible. NEA and other groups provide information regarding salary levels in colleges and universities. Check their publications to find out the average salary for your proposed rank at your new institution and at comparable institutions.[5] Your starting salary will have, of course, a career-long effect on your earnings, since major salary increases or adjustments other than annual raises are rare.

Never resign your current position until it is absolutely necessary. Even if you receive an acceptable written offer, never resign until you receive a final letter of appointment. Take an unpaid leave of absence from your old institution, if possible. Never "burn your bridges." Many appointments have been withdrawn after being made, even in "final" form. Be especially suspicious of any offer that says "contingent on funding." Offers contingent on final action (but not funding) by the Board of Trustees are usually OK.

It is important that you give your old institution timely, written notice of your intention to resign, usually by May 15.

2. *Arriving at the New Institution*—Collect and retain as many documents concerning your status at the new institution as possible. Your file should contain at least (a) the letter of appointment, and (b) the current faculty handbook or personnel policies. If there is a faculty union, get a copy of the contract. All documents, including the published announcement of the position and additional letters or memoranda from administrators, should be retained—almost forever. They may be introduced eventually into an appeals procedure or a court of law, so date each one and note how it was obtained. Any notes that will improve your recollection of the events surrounding your appointment should be appended to these documents. Memories fade with time; what seems a mere scrap of paper today may prove critical in the future.

All of these precautions may seem unnecessary. They probably will be, but when problems are encountered, you must be prepared to defend your rights. Administrators tend to change jobs frequently. A new regime may take a different view of your appointment and the conditions that applied at that time.

You may prefer the cloistered life of a scholar, but attend receptions for new faculty. Introduce yourself. Remember that your colleagues, along with administrators, will make critical decisions about your future. *First impressions are important.* Although probationary faculty should be, and most are, judged on the basis of their teaching, research, and service, old fashioned popularity significantly influences personnel decisions. Such decisions are subjective and "political." Said bluntly, it's harder for them to non-renew a colleague they like!

Find a mentor—someone who is respected and who knows the ropes. Prized above all is a mentor with political influence. Also seek out your union representative and/or institutional ombudsperson. Do not wait until you're in trouble to seek help; it may be too late. A mentor might also help keep you free from some of the bad assignments that might be dropped in your lap as the "new kid" on the block. Learning to say "no" diplomatically is important, since too many distractions may seriously hinder your efforts to satisfy the basic criteria for tenure. Committee work is generally to be avoided, since it counts much less than publications or even good teaching in the great scheme of things.

3. *The First Year*—Usually, the first year goes quickly as you try to catch up with classes, research, and new social circumstances. New faculty are not much noticed during this initial year. However, do not lapse into a "hunker down" mentality. Find out what is happening. Get to know the departmental secretaries—the best source of "intelligence" anywhere. It is important that you make a written note of any significant departure from the terms of your appointment or understanding of your duties. Try to discuss the issue with a responsible official, usually your chairperson. If it is important, do not "let it go" and expect it to correct itself. Chances are it will not.

According to the "Recommended Institutional Regulations on Academic Freedom and Tenure" published by AAUP, "Any subsequent extensions or modifications of an appointment, and any special understandings, or any notices incumbent upon either party to provide, will be stated or confirmed in writing and a copy will be given to the faculty member."[6] You should be informed in writing about any changes in the standards and procedures for acquiring tenure. This applies to changes in general criteria or any criterion that applies specifically to you.

The average probationary period at four-year institutions is five years; three years in community colleges. However, there

has been a strong tendency of late to lengthen the periods. Only in very rare cases should they extend past seven years. Seven years should afford most faculty adequate opportunity to establish their credentials and be evaluated for tenure. In a few rare instances, it may be necessary to extend the probationary period a year or two. This is usually done if you are away on sabbatical or unpaid, academic leave, or awaiting a publication or research project to be completed. Such extensions should be agreed in writing. The probationary period should not be increased without your approval, of course. If a waiver of your collective bargaining contract is necessary, this can only be done by your bargaining agent.

You may be tempted to agree to extend the probationary period indefinitely—perhaps until a tenured position is opened by retirement. BEWARE! You could be agreeing to a life-long probationary period during which you may be "non-reappointed" after 8, 15, or 30 years. During this time, you may be overly cautious about what you say in and outside of class. You will also weaken your colleagues' academic freedom, although you may not expect to make controversial statements in your classes (some courses simply do not delve into such material). Part of your professional responsibility is to help defend those who challenge the status quo in class in order to pursue truth or to develop their students' critical intellect. Unfortunately, untenured status might tempt you to ignore this responsibility for the chance of obtaining long-term employment.

4. *Criteria and Procedures for Reappointment*—You must be informed of the standards and procedures employed in making decisions about your reappointment or tenure. Provisions should be made for periodic, usually annual, review or evaluation of your work and progress toward promotion and tenure. Such reviews are placed in your personnel file; you should receive a copy of this review. If it contains confidential evaluations from colleagues, you may receive a summary. You should be given adequate notice about when and where you will be reviewed or evaluated. You should have an opportunity to bring anything pertinent to the attention of the review committee.

Find out where your personnel file is maintained. Find out the policies governing your access to the file, what may be added to the file, and by whom. In collective bargaining institutions, faculty usually have the right to see their file and append responses to negative material. Consult your contract or your union representative.

If you believe that a negative decision might be reached in your case, consider asking for a meeting with the committee or its chairperson to review your record. Discuss this with a mentor or department chairperson before insisting on it, however. You have little choice but to try and convince the chairperson that any deficiency is only temporary and that you have already begun to take remedial action.

If there is no formal annual review, you should meet with your chairperson or area coordinator to discuss your progress toward reappointment, promotion, and tenure. Make sure that the chairperson understands what you have accomplished. Afterwards, write a memo to your own file about what was said in these conferences. Try to get the chairperson to state clearly what will be necessary for you to earn tenure. Don't let more than two years go by without getting an evaluation.

Meet with the chairperson in the fall of the year that you will be evaluated for reappointment or tenure. Make some notes to your file about anything positive said about your work in any of these meetings and try to resolve any noted deficiencies. Above all, do not ignore even a small deficiency. Understand it. Work to eliminate it from the record, one way or another. It will not be forgotten by those who put it there or those who will evaluate you in the future, since it may be the basis of their negative recommendation against your earning tenure. You can be sure that the evaluation done prior to the tenure decision will be far more thorough than the first or second pro forma reappointments.

At the end of your initial period of appointment, you will be considered for reappointment. Specific suggestions about this process are cited below. However, just because you make it through the first or second reappointment process without problems, do not relax and expect the same to happen in the future. Make careful note of *anything* critical mentioned in your evaluation or in the letter(s) from the administration. Again, ask for clarification and work to remedy any such criticism. Sometimes these remarks serve as the basis for more serious allegations in the future, especially when you are "up" for promotion and tenure.

5. *Notice of Non-reappointment—Timing, Reason, and Appeals*—After three, four or more years at an institution, you should have a good idea about the quality of your scholarship, teaching, and service—the Trinity. Most important, you should have good idea about your standing in your colleagues' eyes,

especially the influential members of your department. (If in serious doubt, discretely find out!) If you haven't finished your dissertation as you pledged or met another criteria (two journal articles last year?), then try to substitute other work, obtain an extension, ask for a reduced load, etc.

If the Rank and Tenure Committee (RTC) for your department or college considers the material that you submitted (see above), and recommends that you *not* be reappointed, you are entitled to know about this decision shortly after it has been made. A responsible official should give you at least an oral statement by the reasons or "considerations" for this negative decision.

For these reasons, you must decide whether or not to appeal the decision or recommendation. Normally, you would immediately notify the committee chairperson of your intention to ask for reconsideration on grounds that your personnel file was incomplete, if on no other grounds. If the negative decision came as a genuine surprise, then you should definitely and immediately appeal. If you suspected that a negative outcome was likely, then you may know that a request for reconsideration would probably be a waste of time. Even in such cases, you should consider an appeal as a way to keep all your options open as long as possible. If you believe that your work merits reappointment or tenure, you should certainly request reconsideration.

Some institutions do not allow an appeal until the administration has rendered a final decision on reappointment or tenure. Unfortunately, this allows positions to harden before you make an appeal. Sometimes, although less frequently these days, an RTC will miss an important piece of information in a tenure candidate's dossier. Try to find a friendly person on the committee to get at least a general idea about why the decision was negative. Remember that most institutions consider these deliberations private and privileged. Your inquiries may go nowhere. Debate surrounds this confidentiality. How can one prove improper discrimination if the committee's deliberations and records are considered privileged and confidential forever and under all circumstances? Some federal courts have found that suits alleging violation of Title VII of the 1964 Civil Rights Act might require disclosure of confidential votes on tenure decisions and the opening of personnel records.

There are generally accepted standards of notice of non-reappointment:

- no later than March 1 of the first academic year of service;
- no later than December 15 of the second academic year of service;
- at least 12 months prior to the end of your appointment after two academic years of service.[7]

These standards of notice are adjusted accordingly for appointments starting at times other than the usual September or fall term dates.

If you request, the administration should give you written reasons for a negative decision. Pause for a moment to consider the possible ramifications of this request. If you are fairly confident of your ability to reverse the decision, ask for written reasons. If you are considering litigation, ask for written reasons. However, if you doubt seriously your ability to reverse the decision, you may not want the reasons written down for you—or anyone else—now or in the future. The lack of written reasons will make it easier for the institution to give you a more favorable recommendation for a new employer, especially if yours was a marginal case. Many administrations refuse to give written reasons, primarily on advice of legal counsel.

If you believe that the decision was discriminatory, find out what has happened in the department to other women and minorities prior to your arrival. Does a pattern of discrimination emerge? Is there evidence? Have you or others been victims of sexual harassment?

If you have a collective bargaining contract, consult with your departmental representative, grievance officer, or staff member to determine your rights to appeal and seek remedy under the contract. In most institutions, you may be able to file a grievance over the negative decision, either on grounds that you really deserve reappointment and tenure, or that the procedures used in your case were flawed. In other institutions, usually universities, the appeal on the merits may be only through the RTC, while the appeal on procedural grounds may be through the grievance system. Needless to say, appeals can be exceedingly complex. Seek and obtain good advice—earlier and often.

6. *Contending with Non-Reappointment*—Life goes on, of course, after notice of non-reappointment. Given the shortage of tenure-track positions and the often impossible standards for earning tenure, negative decisions are frequent these days. Look at it another way: they may be doing you a favor. Yet, after eight or ten years of preparation, you're probably committed to a life in academia. If you've been given notice, *start looking for a new position immediately.* Don't continue on as before. Your first responsibility is to your future. Again, don't burn your bridges because of bitterness or disappointment. Fulfill your basic responsibilities at the institution, while devoting an adequate amount of time to finding a new job even if you appeal the negative decision.

If you really believe that you deserve reappointment or tenure and that a serious injustice has been done, you may decide to fight it out. Most in this position, however, follow Falstaff's admonition about discretion being the greater part of valor. Fighting an impossible battle may earn you a reputation as an unthinking hothead. You must maintain a clear and realistic perspective on your situation. Seek advice from friends and others whom you respect. Take time to understand the benefits and risks.

Administrators should be challenged when they act arbitrarily and capriciously. Procedures, which have been created to protect our rights, must be utilized to keep them effective. However, don't be an unwilling or overly emotional martyr. Only fight when a careful analysis of the situation demonstrates that you might win something more than mere satisfaction and that your struggle might help others similarly situated.

7. *Alleged Violations of Academic Freedom and Discrimination*—If you believe the decision violated (a) academic freedom, or (b) policies regarding discrimination (racial, ethnic, religious, national origin, age, handicap, marital status, or sexual/affectional preference), a standing or special faculty committee could look into your charge and attempt to settle the issue by informal methods. (To file such a charge, you may have to sign a statement releasing your personnel file to the committee.) If a settlement is not possible, then write your complaint down in detail, with a proposed remedy, and send it with all supporting evidence to the committee. This written complaint should be straightforward and to the point. It should review your employment history at the institution in a

chronology and discuss your reappointment or tenure as objectively as possible. Do not rant and rave. Avoid personal attacks. Carefully present your case. A good presentation—documents, chronology, and statement of your accomplishments—will help prove your contention. If after considering your written material the committee does not support your complaint, you should insist on formal hearing.

In such a hearing, you must make a *prima facie* case that your allegation is true. If you succeed, those who rendered the negative decision on your reappointment or tenure should explain their action. Statistical evidence of discriminating patterns could be used in establishing this *prima facie* case.

If the administration is trying to dismiss you before the end of your contract, it must assume the burden of proof. The same is true when an administration tries to dismiss a tenured faculty member. However, the burden of proof is on an untenured faculty member who challenges non-reappointment. (This shift in the burden of proof is the fundamental procedural difference between tenured and untenured status.)

If you can show that the negative decision was the result of inadequate consideration or violative of your academic or intellectual freedom, the review committee may only request the RTC to reconsider your case. Normally, it would not try to substitute its view on the merits for those of the RTC. Given the large number of legal cases pending over these questions, most administrations want to have personnel policies and procedures that work efficiently and fairly. A challenge now and again will help create such systems, thereby reducing the amount of litigation before the courts.

Administrators, rather than faculty committees, more frequently make negative decisions these days. In some larger institutions, the senior academic officer makes tenure decisions. In smaller colleges, the president may make the decision and may sometimes reverse a favorable decision by one or more faculty committees. Obviously, it's far more difficult to reverse a decision made by a top administrator who probably took into consideration the financial condition of the institution in addition to your record.

If you demonstrate that a faculty committee or an administrator improperly discriminated against you, it may be possible to get the president or trustees to force the negative

decision-maker to reconsider. But such reversals appear to be less and less likely. As a rule, administrators are better prepared now than before to make negative decisions stick.

An appeal to public sentiment is usually unsuccessful, unless you have an unusually strong case. An appeal to the courts may also be the next or only logical step. Unfortunately, all attempts at informal settlement break down whenever a legal case is filed. The administration will turn the case over to attorneys and order everyone to say nothing more about it to you. That's the classic "stonewall" mode. The same is generally true for complaints filed with any outside agency, such as the EEOC.

Instances where a faculty member's academic freedom, contractual rights, or constitutional or civil rights are violated may be taken to the courts. But the faculty member involved should recognize that (1) the administration has virtually unlimited funds to defend its actions in the courts, (2) the courts are reluctant to intervene in such cases by reversing the administration even where the faculty member can establish a *prima facie* case of anything improper, and (3) the courts will not reverse a decision and award tenure because the person "deserves" it. For almost all faculty members, a court case is an expensive path to nowhere.[8] However, it might give you considerable leverage in an attempt to negotiate a favorable (cash) settlement.

Another point to remember (and it may come as a shock): college faculty do not enjoy a clear constitutional right to academic freedom, although the Supreme Court has said nice things about it from time to time. Faculty members at public institutions have more protection than private college faculty. But it is difficult everywhere to have personnel decisions reversed, for example, on grounds that your views of economic theory are contrary to those of the rest of your department or community.

Faculty members who are considering legal action should have their case reviewed by someone, perhaps a non-lawyer expert, before retaining a local lawyer, since most of them do not understand academia and the law in this area. While under federal statutes some cases need to be filed within a certain period of time after the negative action is rendered, expert advice will save time and money. Some institutions provide ombudspersons for this purpose, while others provide it through

the faculty senate or through a faculty organization. (About one-third of the faculty in the country also have a collective bargaining agent to turn to for aid, comfort, and representation during these crises.)

An appeal to the board of trustees should be made after internal procedures have been exhausted. Judges also like to know that you went through institutional procedures before filing suit (unless you are required by statute to file a complaint within a certain period of time). An appeal to the trustees would contain all of the documents submitted to the appeals committee, plus a new cover letter that succinctly states your case and your proposed remedy. (Have the letter reviewed by someone with experience or an attorney.) Reversal at the board level is unlikely, but it is your last appeal unless you are able to convince a competent attorney or others that you have sufficient grounds for bringing suit in court.

Members of NEA and some other organizations enjoy legal and professional liability insurance that affords legal counsel and, under certain circumstances, financial support for litigation. The NEA spends more than $1,500,000 annually to defend its members against discharge and other threats.

8. *Suspension or Termination during Dismissal or Appeal Procedures*—If the administration notifies you that you have been suspended from your teaching duties, you should appeal immediately. Suspension without pay is tantamount to dismissal. Faculty members should not be suspended from their duties unless there is compelling evidence that their continued professional work would endanger themselves, colleagues, or students. The administration should consult a faculty committee before taking this action. It is in order for you to consult with an outside attorney. All faculty organizations condemn the use of suspension, especially suspension without pay. The former may be necessary in a few rare instances, but the latter never, even for someone suspected of a fairly serious crime. Your attorney should try to arrange a meeting with the administration and your chairperson before filing suit to restrain the administration from suspending you without pay. In some states, however, the law may dictate the suspension without pay of a state employee under certain conditions.

Part-time, Temporary, Research, and Other Types of Faculty

Although this handbook addresses the interests of "regular" or tenure-track teaching faculty, institutions should develop appropriate provisions for temporary faculty, research associates, and regular part-time faculty. Efforts should be made to include these individuals in the faculty governance system, at least at the department level. Where appropriate, systems of job security should be developed that protect their interests. The rights of all teachers and researchers to academic freedom should be as absolute as that of tenured faculty. All should have access to appropriate procedures to review alleged violations of academic freedom, including improper or illegal discrimination.

Research indicates that an institution will be more stable and productive if the tension between the regular, full-time faculty and other faculty is reduced by well-developed regulations and procedures. Since it appears clear that part-timers will continue to play a major role in higher education, it behooves faculty to monitor this situation to the good of all concerned—students in particular. (Many faculties have decided to accomplish this through collective bargaining arrangements. NEA endorses the concept of including part-time faculty in bargaining units with full-timers, but leaves the decision up to the local unit).[9]

In addition to part-time faculty, there has been a significant growth in the number of professional academics who teach, conduct research, and fulfill other duties similar to their tenure-track colleagues. Research associates and assistants, academic counselors and tutors, librarians, and other job titles fall into this area. Some large public university systems have thousands of employees in this category, often called "non-teaching professionals." Usually their level of compensation is lower and their basic rights—to academic freedom, job security, tenure, timely notice of non-reappointment—are minimal at best. The grant or "soft-money" excuse is frequently given, but again, "regular" faculty should be concerned about these individuals and should be willing to help protect this segment of the academic community.

Professional librarians deserve special comment. Since 1973, academia has generally recognized professional librarians as members of the instructional faculty. Many, if not most, of the more prestigious institutions have granted faculty status to professional librarians. Faculty status should be granted and librarians should enjoy the same rights and responsibilities as "regular" faculty, including tenure, academic freedom, governance rights, equitable levels of compensation, leaves, research funds, etc. Because women predominate in this area, the issues of sex discrimination and comparable worth in compensation are also widespread.

Collective Bargaining and the Untenured

As noted above, you may find that you and your new colleagues are represented by a collective bargaining agent—a faculty union. This may also be a novel experience for you. But remember, the union is your organization; it's obligated by law to provide you with "fair representation," even if you are untenured and uncertain about your long-term career plans.

You may learn to "love" the union and look for the "union label," but even if you don't, you must learn the protections afforded you by the collective bargaining contract. Basic rule number one: you cannot waive the provisions of the master contract. In certain instances, you may negotiate an individual contract or special provisions with the administration, but it must be in accord with the master contract. When in doubt, check with a representative of the organization.

Basic rule number two: you have the right to represent yourself, the right to union representation, or outside counsel at your expense.

Approximately one-third of faculty in this country teach at institutions where the faculty negotiates a master contract. At many of these institutions, all faculty members are expected to pay dues to the faculty union or pay an "agency shop" fee, which is usually less than full dues. State laws or court decisions may require this. It is also constitutional, according to the Supreme Court, as long as the union does not use your fees for clearly partisan or ideological purposes.

Just as you join scholarly organizations to advance your career, it also makes good sense to join the union. Taking an active role in it, however, may not, in all candor, be the best use of your time. Get tenure first and then become a union leader!

Conclusion

Best wishes for your career. May it be a challenge and bring you the professional and personal satisfaction you deserve, especially after surviving graduate school. Obviously, you are not motivated primarily by lure of financial reward or powerful social status. Your reward will be the appreciation of your students, which usually comes after they graduate, your research, and the academic style of life.

Some will go on to write or craft great books, treatises, articles, or magnificent works of art. Others will accomplish miracles in their labs or in field research. Most will be content to be teacher/scholars, engaged in the process of decreasing ignorance, enlightening where possible, and maintaining their sanity while grading stacks of final exams.

Unfortunately, our institutions of higher education have been changing. And not much for the better. Administrators tend to "manage" these days more by fiat than leading by example. They tend to do this in more grandiose terms, forgetting the modest but critical nature of the student-teacher relationship. Demands for results too often replaces the necessity of patience and understanding.

But enough of this idealism. Protect yourself. Know your rights. Do not wait until it's too late before you try to marshal your supporters and documents. It is your professional and personal responsibility to look after your career, reputation, and future. It is also your responsibility to help your colleagues—directly or indirectly. Others may help, too, if you ask. (Others may hurt by trying to help, even if you don't ask!)

The purpose of this publication is not to encourage litigation or contention between colleagues or faculty and administration. The purpose is to inform you of your rights, offer some advice, and encourage institutions to develop faculty status procedures that promote fairness and equity, thereby contributing to higher moral and quality of life on campus—for all concerned faculty, administrators, and students.

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